Applicants: Adam Grove et al.	Group Art Unit: 2141
Serial No.: 09/534,321	Examiner: Quang N. Nguyen
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Title: Method for High-Performance Delivery of Web Content	Docket No.: 1622285-0002

Certificate of Mailing

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Wendi R. Schepler	*Wendi R Schepler*	7/2/2004
Name	Signature	Date

DECLARATION OF ADAM J. GROVE UNDER 37 C.F.R. § 1.132

I, ADAM J. GROVE, hereby declare as follows:

1.   I am the first-named inventor of the subject matter of U.S. Patent Application No. 09/534,321. My business address is Netli, Inc., 3980 Fabian Way, Palo Alto, CA 94303. I am the co-founder and Chief Technology Officer of Netli, Inc., which is the assignee of the entire right, title, and interest of the above-referenced patent application.

2.   My first degree is a Bachelor of Science (with Honors) in mathematics, and I graduated from Stanford University with a Ph.D. in computer science in 1993. From 1993 to 1998 I worked as a research scientist at NEC Research Laboratories in Princeton, N.J. where, in addition to publishing most of my 40 peer-reviewed scientific papers, I was constantly exposed

to the leading edge of computer science innovation and research including within the computer networking field. I have worked full time in computer networking and Internet technologies since 1999. I am a member of ACM and IEEE.

3.   About Netli, Inc.

i) Netli is a company created to implement substantially the system claimed in the above-referenced application. It has attracted investment of over $20 million from five well-known professional venture-capital investment firms in Silicon Valley. The investors were motivated to support a product with the potential of improving Web performance but without the limitations of caching-based technology (in particular, since caching offers less benefit to Web-based applications and other dynamic content). I offer this as suggestive evidence that professional investors in the Internet arena believed that the invention fulfills a sufficient need to sustain a profitable business. To my knowledge, when Netli was founded there was no existing system similar to my invention in spite of a perceived need.

ii) Netli has been the subject of a number of trade press articles and analysts' reports contrasting it with existing and competitive technologies. Forrester Research's Giga Web subsidiary published a Feb 6, 2004 report for its subscribers, Research document RPA-022004-004 "Market Overview 2004: Internet Content Delivery Networks," attached as Exhibit A. The report has the following to say about Netli:

" **New Challengers [...] Netli:**

Netli, a fairly recent entrant to the Internet CDN market, was founded in March 2000 and has been in production since the end of 2002. It now has around 50 employees and 20 customers, HP being the most prominent one. The Netli concept is both unique and

innovative. Its overlay network to the public Internet uses points of presence which are located near customers' applications called application access points and near customers' end users called virtual data centers. Netli uses a proprietary protocol to accelerate and compress the traffic between its points of presence. This is particularly interesting, because Netli is also able to accelerate SSL traffic and optimize traffic bidirectionally. To use Netli's services, clients delegate DNS processing for their application to Netli. Netli acts as a proxy and transparently routes and optimizes traffic through its network. Because standard protocols are used to communicate to end users and servers, no other changes to the client's infrastructure or applications are needed. The Netli solution shows a lot of promise and the company is a good candidate for longer-term success in the market."

iii) Netli has sold its services to over a dozen well-known companies, and has at this point over $1 million of booked revenue. Netli's customers include such names as Boeing, Hewlett Packard, Kimberly Clark, Scholastic publishing, Motorola, and others. This is testament that the invention meets a concrete and valuable need. If a solution were obvious, it seems unlikely that the need would remain unaddressed so long or, at the very least, there would not be prior public mention and discussion of the feasibility of such solution.

iv) Hewlett Packard is an investor in an unrelated company called Speedera whose primary service is a set of proxy caches and a DNS selection mechanism. HP is one of the world's leading computer companies, has a reputation for research excellence and innovation throughout the computing field, and by virtue of their investment arguably has deeper insight still into Internet technologies within the caching arena. And yet several

organizations within HP have turned to the Netli technology to address performance needs. Tony Hinjosa, Manager of the Enterprise Solutions Partner Division at HP, has authorized distribution of the following quotation:

"Thousands of our developers . . . were having serious problems with the site's performance and availability. Building out new data centers would have been far too costly and a poor use of our resources. Netli's NetLightning service has given us the outstanding performance we required with a transparent implementation and no capital investment. . . . To put it simply, Netli is one of the best partnerships I have experienced in my 13 years at HP."

11.   I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: 29 June 2004   By: _____
                                              Adam J. Grove